

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Bryan Ray Simmons

Docket No. 7:04-CR-107-1BO

Petition for Action on Supervised Release

COMES NOW David W. Leake, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Bryan Ray Simmons, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924 , was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on July 5, 2005, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Bryan Ray Simmons was released from custody on July 28, 2017, at which time the term of supervised release commenced. The case was later reassigned to the Honorable Terrence W. Boyle, U.S. District Judge.

On December 17, 2017, the court agreed to continue supervision after being notified that the defendant positive for Oxycodone/Oxymorphone on November 16, 2017, but had been referred back to Coastal Horizons, Inc., for substance abuse treatment, and would be submitting to increased drug testing.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On February 8, 2018, the defendant was cited for Driving While License Revoked and Use of Red or Blue Light (18CR905) in New Hanover County, North Carolina. The defendant is working on getting his driver's license reinstated, but admitted to driving his roommate's vehicle with a revoked driver's license. The other charge is based on the fact that his roommate's vehicle is an older model sheriff's patrol vehicle that still had some of the sheriff's department labeling partially visible. He reported that while his roommate has had the vehicle for approximately 1 year without issue, she has now made sure that the law enforcement labeling in question is completely covered up. Given the nature of the violation, it is recommended that the defendant be directed to complete 12 hours of community service. He signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 12 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ David W. Leake
David W. Leake
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2045
Executed On: February 16, 2018

ORDER OF THE COURT

Considered and ordered this 21 day of February, 2018, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge